IN THE HIGH COURT OF JUDICATUER OF ANDHRA PRADESH AT HYDERABAD

THE HONOURABLE SRI JUSTICE P.S.NARAYANA
WRIT PETITION NO.482 OF 2007

Dated 5.1.2007

Between

R.A.Saleem Basha

.. Petitioner

And

The Commissioner,
Municipal Corporation of Hyderabad,
Tank Bund Road, Hyderabad.

.. Respondent

THE HONOURABLE SRI JUSTICE P.S.NARAYANA
WRIT PETITION NO.482 OF 2007

ORDER:

The matter is coming up for admission.

Smt.Jyoti Kiran, learned standing counsel takes notice on behalf of the respondent.

The writ petition is filed for a writ of Mandamus declaring the action of the respondent in insisting for production of 'No Objection Certificate' from the District Collector for considering the application for grant of permission to make construction as illegal, arbitrary, high handed and consequently to direct the respondent to consider the application of the petitioner for sanctioning plan without insisting upon the submission of 'No Objection Certificate' from the District Collector.

The case of the petitioner is that he is the owner and possessor of the house bearing municipal No.6-3-1100/1/D, situated at Tygarajanagar, B.S.Maqta, Somajiguda, Hyderabad in an extent of 534 square yards having purchased the same by registered sale deed bearing document No.1508/91 dated 19.7.1991 from

its true and absolute owner Smt.K.Kamala Moses W/o late K.J.Moses. It is stated that when an application was made for grant of permission/sanction of the plan last week, the respondent is insisting for production of 'No Objection Certificate'.

It is need less to state that this Court has repeatedly held that 'No Objection Certificate' cannot be insisted upon by the respondent. In view of the same, the writ petition is disposed of directing the respondent to consider the application of the petitioner for grant of permission to make construction in the land subject matter of the writ petition without insisting on production of 'No Objection Certificate', within a period of four weeks from the date of receipt of this order.

The writ petition is accordingly disposed of. No order as to costs.

P.S.NARAYANA,J

Dt.5.1.2007